

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALEXEY GENNADYEVICH KHARIS,  
Plaintiff,  
v.  
JEFFERSON B SESSIONS, III, et al.,  
Defendants.

Case No. 18-cv-04800-JST

**ORDER TO SHOW CAUSE AND  
RESPOND TO ADMINISTRATIVE  
MOTION TO SEAL**

Re: ECF Nos. 1, 3

A federal district court is authorized to grant a writ of habeas corpus when a petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).

Petitioner Alexey Kharis, who is in the custody of the Department of Homeland Security, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. *See* ECF No. 1. He alleges that he has been in custody since August 16, 2017, and is currently detained at the Contra Costa West County Detention Facility in Richmond, California. Petitioner alleges that procedural defects in his bond proceedings pursuant to 8 U.S.C. § 1226(a) deprived him of his Fifth Amendment right to due process.

He names four individuals as Respondents: U.S. Attorney General Jefferson Sessions; Secretary of the U.S. Department of Homeland Security Kirstjen Nielsen; Field Office Director of U.S. Immigration and Customs Enforcement for San Francisco David Jennings; and Contra Costa County Sheriff David Livingston. ECF No. 1 ¶¶ 14–17.

Petitioner also moves to file under seal portions of the exhibits to his habeas petition. *See* ECF No. 3.

Having considered the pleadings and documents in this matter, and good cause having

1 been shown by Petitioner, the Court orders Respondents to Show Cause:

2 1. By September 13, 2018, Respondents shall respond by answering the allegations  
3 and showing cause why a writ of habeas corpus should not issue, or by filing a motion to dismiss  
4 on procedural grounds. Respondents shall also file any opposition to Petitioner's administrative  
5 motion to file under seal, ECF No. 3, by September 13, 2018.

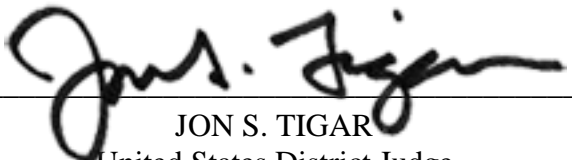
6 2. Petitioner's traverse, opposition, or statement of non-opposition shall be filed by  
7 October 4, 2018. Petitioner shall also file any reply in support of Petitioner's administrative  
8 motion to file under seal by October 4, 2018.

9 3. The Court will hold a hearing on the order to show cause on October 29, 2018, at  
10 1:00 p.m.

11 The Clerk of the Court shall serve a copy of this Order, the petition, the administrative  
12 motion to file under seal, and all attachments thereto, on Respondents and shall serve copies of  
13 these documents to the U.S. Attorney for the Northern District of California.

14 **IT IS SO ORDERED.**

15 Dated: August 16, 2018

16   
17 JON S. TIGAR  
18 United States District Judge